

Senate, No. 2119

[Senate, July 28, 2009 - Report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments (striking out all after the enacting clause and inserting in place thereof the text of House document numbered 1153, printed as amended; and by inserting before the enacting clause the following emergency preamble: “*Whereas*, the deferred operation of this act would tend to defeat its purpose, which is to transfer forthwith county sheriffs to the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience”) to the Senate Bill transferring county sheriffs to the Commonwealth (Senate, No. 2045, printed as amended)]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND NINE

AN ACT transferring county sheriffs to the Commonwealth

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to transfer forthwith county sheriffs to the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled,

And by the authority of the same, as follows:

- 1 SECTION 1. Section 17 of chapter 37 of the General Laws, as appearing in the 2008 Official
- 2 Edition, is hereby amended by striking out the second and third paragraphs and inserting in place thereof
- 3 the following paragraph:-

4 The sheriffs of the counties of Barnstable, Bristol, Norfolk, Plymouth and Suffolk and of the
5 former counties of Berkshire, Essex, Franklin, Hampden, Hampshire, Middlesex and Worcester shall
6 each receive a salary of \$123,209. The sheriff of the county of Dukes shall receive a salary of \$97,271.
7 The sheriff of the county of Nantucket shall receive a salary of \$71,332.

8 SECTION 2. Chapter 64D of the General Laws is hereby amended by striking out sections 11 to
9 13, inclusive, as so appearing, and inserting in place thereof the following 2 sections:-

10 Section 11. Except for Barnstable and Suffolk counties, there shall be established upon the books
11 of each county of a transferred sheriff, the government of which county has not been abolished by
12 chapter 34B or other law, a fund, maintained separate and apart from all other funds and accounts of
13 each county, to be known as the Deeds Excise Fund.

14 Notwithstanding any general or special law to the contrary, except for Barnstable and Suffolk
15 counties, on the first day of each month, 10.625 per cent of the taxes collected in the county of a
16 transferred sheriff under this chapter shall be transmitted to the Deeds Excise Fund for each county;
17 provided, however, that in any county in which its minimum obligation, established by the secretary of
18 administration and finance in 2009, is insufficient in any given fiscal year to satisfy the unfunded county
19 pension liabilities and other benefit liabilities of retired employees of the sheriff's office as determined
20 by the secretary of administration and finance in consultation with appropriate county officials and
21 county treasurers, beginning in fiscal year 2011, the county shall retain 13.625 per cent of the taxes
22 collected in such county and transferred to the Deeds Excise Fund to satisfy the unfunded county
23 pension liabilities and other benefit liabilities of retired employees of the sheriff's office until the
24 minimum obligation is sufficient or until such county has paid such unfunded pension liability in full;
25 and provided further, that once such liabilities are satisfied, the following month and each month
26 thereafter, 10.625 per cent of such taxes collected shall be retained by such county; provided, however,
27 that an additional 30.552 per cent of said taxes collected in Nantucket county shall be transmitted to the
28 Deeds Excise Fund on the first day of each month for said county through June 1, 2029; and provided
29 further that if in a fiscal year the dollar amount that equals 30.552 per cent of said taxes collected in

Nantucket county exceeds \$250,000, the amount in excess shall be transmitted to the General Fund. The remaining percentage of taxes collected under this chapter, including all taxes collected under this chapter in Barnstable and Suffolk counties and all counties the government of which has been abolished by chapter 34B or other law, but not including the additional excise authorized in section 2 of chapter 163 of the acts of 1988, shall be transmitted to and retained by the General Fund in accordance with section 10.

Section 12. (a) Notwithstanding any general or special law to the contrary, of the amounts deposited in the Deeds Excise Fund for each county from revenues collected pursuant to this chapter: (1) not more than 60 per cent of the deposits shall be disbursed and expended for meeting the costs of the operation and maintenance of the county; and (2) not less than 40 per cent shall be disbursed and expended for the automation, modernization and operation of the registries of deeds.

(b) Notwithstanding any general or special law to the contrary, with respect to funds appropriated for the purposes designated in clause (2) of subsection (a) and which are not dedicated to the Deeds Excise Fund in each county under section 11, the county budget shall provide a continuing amount of expenditure of not less than 102.5 per cent of the amount expended for that purpose in the preceding fiscal year.

SECTION 3. Notwithstanding any general or special law to the contrary, the offices of the Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth, and Suffolk county sheriffs are hereby transferred to the commonwealth as provided in this act.

SECTION 4. Notwithstanding any general or special law to the contrary, all functions, duties and responsibilities of the office of a transferred sheriff pursuant to this act including, but not limited to, the operation and management of the county jail and house of correction and any other statutorily authorized functions of that office, are hereby transferred from the county to the commonwealth.

SECTION 5. Notwithstanding any general or special law to the contrary, the government of Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth and Suffolk counties, except the office of county sheriff, shall retain all existing authority, functions and activities for all purposes including, but

not limited to, the purposes established in chapters 34, 34A, 35 and 36 of the General Laws or as otherwise authorized by this act. This act shall not affect the existing county boundaries.

SECTION 6. Notwithstanding any general or special law to the contrary, all valid liabilities and debts of the office of a transferred sheriff, which are in force on the effective date of this act, shall be obligations of the commonwealth as of that date, except as may be otherwise provided in this act. All assets of the office of a transferred sheriff on the effective date of this act shall become assets of the commonwealth, except as otherwise provided in this act.

SECTION 7. (a) Notwithstanding any general or special law to the contrary, all rights, title and interest in real and personal property, including those real properties improved upon through construction overseen by the division of capital asset management and maintenance and paid with commonwealth funds and which are controlled by the office of a transferred sheriff on the effective date of this act including, without limitation, all correctional facilities and other buildings and improvements, the land on which they are situated and any fixtures, wind turbines, antennae, communication towers and associated structures and other communication devices located thereon or appurtenant thereto shall be transferred to the commonwealth, except as otherwise provided in this act. This transfer of all buildings, lands, facilities, fixtures and improvements shall be subject to chapter 7 of the General Laws and the jurisdiction of the commissioner of capital asset management and maintenance as provided therein, except as otherwise provided in this act. The commonwealth shall take all necessary steps to ensure continued access, availability and service to any assets transferred to the commonwealth under this subsection to a local or regional organization that currently uses such assets.

(b) Notwithstanding any general or special law to the contrary, if a transferred sheriff occupies part of a building or structure owned by a county, the county shall lease that part of the building or structure to the commonwealth under reasonable terms determined by the commissioner of capital asset management and maintenance.

(c) Notwithstanding any general or special law to the contrary, the transfer under this section shall be effective and shall bind all persons, with or without notice, without any further action or

documentation. Without derogating from the foregoing, the commissioner of capital asset management and maintenance may, from time to time, execute and record and file for registration with any registry of deeds or the land court, a certificate confirming the commonwealth's ownership of any interest in real property formerly controlled by the office of a transferred sheriff pursuant to this section.

(d) This section shall not apply to the land and buildings shown as Parcel C on a Plan of Land in Braintree, Mass, dated October 2, 1997, prepared by County of Norfolk Engineering Dept., 649 High Street, Dedham, filed at the Norfolk county registry of deeds in plan book 454, page 128.

(e) Notwithstanding any provision of this section or sections 40E to 40I, inclusive, of chapter 7 of the General Laws to the contrary, in the event that the Dukes County jail and house of correction located at 149 Main Street in the town of Edgartown ceases to be used for public safety purposes and the commissioner of capital asset management and maintenance intends to sell said property, Dukes County shall hold the right of first refusal to purchase said property for nominal consideration, and shall hold such first refusal option for the first 60 days after receipt of the commissioner's notice of intent to sell said property, and upon the non-acceptance by Dukes County of any such offer, said property shall then be offered for sale by the commissioner pursuant to the provisions of said sections 40E to 40I, inclusive, of said chapter 7.

(f) This section shall not apply to the former Barnstable county house of correction located at the Barnstable County Complex on state highway route 6A in the town of Barnstable.

(g) This section shall only apply to that portion of the land on which the Plymouth county correctional facility, Plymouth county sheriff's garage and Plymouth county sheriff's offices are situated, including all parking areas, access roads and walkways and any other areas necessary to the use of such buildings, but excluding any open areas, the exact boundaries of which shall be determined by a land survey and plan by the commissioner of capital asset management and maintenance. Such land is part of the premises located at 24 Long Pond road in the town of Plymouth, consisting of 32.747 acres and described in Exhibit A to the lease agreement between Plymouth county and the Plymouth county sheriff which is recorded in the Plymouth county registry of deeds at book 10978, pages 233 and 234. These

108 premises shall continue to be subject to the access easement described in said Exhibit A in said registry
109 of deeds at book 10978, page 232.

110 SECTION 8. Notwithstanding any general or special law to the contrary, once the
111 commonwealth has refinanced any outstanding bonds of the Plymouth County Correctional Facility
112 Corporation, said corporation shall be dissolved and its assets shall be transferred to the commonwealth;
113 provided, however, that prior to said dissolution, the commonwealth shall transfer from the reserve fund
114 created pursuant to the trust agreement executed on February 16, 1999 between the Plymouth County
115 Correctional Facility Corporation and the State Street Bank and Trust Company to the county any
116 balance remaining in the reserve fund to which the county is entitled pursuant to section 3.5 of said trust
117 agreement. The criminal detention facility constructed pursuant to chapter 425 of the acts of 1991 shall
118 be transferred to the commonwealth. The revenue held by the corporation in the Repair and Replacement
119 and Capital Improvement Accounts shall be transferred to the Plymouth sheriff's Facility Maintenance
120 Trust Account. The Plymouth sheriff shall make expenditures from this account only for the
121 maintenance, repair and replacement of the sheriff's facilities subject to approval by the commissioner of
122 capital asset management and maintenance.

123 SECTION 9. Notwithstanding any general or special law to the contrary, all leases and contracts
124 of the office of a transferred sheriff which are in force on the effective date of this act shall be
125 obligations of the commonwealth and the commonwealth may exercise all rights and enjoy all interests
126 conferred upon the county by those leases and contracts except as may be otherwise provided in this act.

127 SECTION 10. Notwithstanding any general or special law to the contrary, beginning in fiscal
128 year 2010 and thereafter until terminated, Barnstable, Bristol, Dukes, Nantucket, Norfolk, and Plymouth
129 counties shall appropriate and pay to their respective county retirement boards, and any other entities due
130 payments, amounts equal to the minimum obligations to fund from their own revenues in fiscal year
131 2009 the operations of the office of the sheriff for the purpose of covering the unfunded county pension
132 liabilities and other benefit liabilities of the retired sheriff's office employees that remain in the county
133 retirement systems, as determined by the actuary of the public employee retirement administration

134 commission. Pursuant to section 20 of chapter 59 of the General Laws, the state treasurer shall assess the
135 city of Boston and remit to the State-Boston retirement system an amount equal to the minimum
136 obligation of Suffolk county to fund from its own revenues in fiscal year 2009 the operations of the
137 office of the sheriff. The secretary of administration and finance shall establish a plan for county
138 governments to pay off these unfunded county pension liabilities and shall establish an amortization
139 schedule to accomplish this task. These payments shall remain in effect for the duration of that
140 amortization schedule, which shall not exceed the funding schedule established by the respective county
141 retirement board. If the unfunded pension liability of retirees exceeds any county's minimum obligation
142 to fund operations from its own revenues as set forth in this section, the retirement system for such
143 county may extend its pension funding schedule to the extent necessary to eliminate that excess
144 unfunded pension liability. In the case of any such county, when the county has paid such unfunded
145 pension liabilities in full, or the county has completed the amortization schedule as established under this
146 section, whichever occurs first, the county's obligation to make payments of its minimum obligations to
147 fund its sheriff's office operations, as determined under this section, shall terminate.

148 SECTION 11. Notwithstanding any general or special law to the contrary, any funds including,
149 but not limited to, county correctional funds and other sources of income and revenue, to the credit of the
150 office of a transferred sheriff on June 30, 2009, shall be paid to the state treasurer, but the county
151 treasurer may pay appropriate fiscal year 2009 sheriff's department obligations after June 30, 2009.
152 Payment of obligations to be charged to the sheriff's fiscal year 2009 budget as approved by the county
153 government finance review board shall be within that budget or shall be approved by the secretary of
154 administration and finance.

155 SECTION 12. (a) Notwithstanding any general or special law to the contrary and except for all
156 counties the governments of which have been abolished by chapter 34B of the General Laws or other
157 law, revenues of the office of sheriff in Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth and
158 Suffolk counties for civil process, inmate telephone and commissary funds shall remain with the office
159 of sheriff.

160 (b) Notwithstanding any general or special law to the contrary, in order to encourage innovation
161 and enterprise, each sheriff's office shall annually confer with the house and senate committees on ways
162 and means regarding that sheriff's efforts to maximize and maintain grants, dedicated revenue accounts,
163 revolving accounts, fee for service accounts and fees and payments from the federal, state and local
164 governments and other such accounts and regarding which revenues shall remain with the sheriff's
165 office.

166 (c) Any sheriff who has developed a revenue source derived apart from the state treasury may
167 retain that funding to address the needs of the citizens within that county.

168 (d) Any unencumbered carry-forward deeds excise or other funds to the credit of the sheriff on
169 June 30, 2009 shall be paid to the state treasurer.

170 (e) Notwithstanding any general or special law or county charter to the contrary, regional
171 services and contracts for such services including, but not limited to, regional communications centers
172 and law enforcement support, shall continue until expired, terminated or revoked under the terms of the
173 agreement or contract for such services.

174 SECTION 13. (a) Notwithstanding any general or special law to the contrary, all employees of
175 the office of a transferred sheriff, including those who, on the effective date of this act, hold permanent
176 appointment in positions classified under chapter 31 of the General Laws or those who have tenure in
177 their positions by reason of section 9A of chapter 30 of the General Laws or do not hold such tenure, are
178 hereby transferred to that transferred sheriff as employees of the commonwealth, without interruption of
179 service within the meaning of said section 9A of said chapter 30 or said chapter 31 and without reduction
180 in compensation or salary grade.

181 (b) Notwithstanding any general or special law to the contrary, employees of the office of a
182 transferred sheriff shall continue to retain their right to collectively bargain pursuant to chapter 150E of
183 the General Laws and shall be considered sheriff's office employees for the purposes of said chapter
184 150E.

185 (c) Notwithstanding any general or special law to the contrary, all petitions, requests,
186 investigations and other proceedings duly brought before the office of a transferred sheriff or duly begun
187 by that sheriff and pending on the effective date of this act, shall continue unabated and remain in force,
188 but shall be assumed and completed by the office of a transferred sheriff.

189 (d) Notwithstanding any general or special law to the contrary, all orders, rules and regulations
190 duly made and all approvals duly granted by a transferred sheriff which are in force on the effective date
191 of this act shall continue in force and shall thereafter be enforced until superseded, revised, rescinded or
192 canceled in accordance with law by that sheriff.

193 (e) Notwithstanding any general or special law to the contrary, all books, papers, records,
194 documents and equipment which on the effective date of this act are in the custody of a transferred
195 sheriff shall be transferred to that sheriff.

196 (f) Notwithstanding any general or special law to the contrary, all duly existing contracts, leases
197 and obligations of a transferred sheriff shall continue in effect. An existing right or remedy of any
198 character shall not be lost or affected by this act.

199 SECTION 14. The rights of all employees of each office of a transferred sheriff shall continue to
200 be governed by the terms of collective bargaining agreements, as applicable. If a collective bargaining
201 agreement has expired on the transfer date, the terms and conditions of such agreement shall remain in
202 effect until a successor agreement is ratified and funded. Notwithstanding the provisions of chapter 150E
203 of the General Laws or any other general or special law or regulation to the contrary, employees of the
204 office of a transferred sheriff, without a collective bargaining agreement in effect on the transfer date,
205 shall not be transferred to the state retirement system until November 1, 2010 or until a successor
206 agreement is ratified and funded whichever occurs first.

207 SECTION 15. Notwithstanding any general or special law to the contrary, a transferred sheriff in
208 office on the effective date of this act shall become an employee of the commonwealth with salary to be
209 paid by the commonwealth. The sheriff shall remain an elected official for the purposes of section 159 of
210 chapter 54 of the General Laws. The sheriff shall operate pursuant to chapter 37 of the General Laws.

211 The sheriff shall retain administrative and operational control over the office of the sheriff, the jail, the
212 house of correction and any other occupied buildings controlled by a transferred sheriff upon the
213 effective date of this act. The sheriff and sheriff's office shall retain and operate under all established
214 common law power and authority consistent with chapters 126 and 127 of the General Laws and any
215 other relevant General Laws.

216 SECTION 16. Notwithstanding any general or special law to the contrary, a transferred sheriff
217 shall be considered an "employer" as defined in section 1 of chapter 150E of the General Laws for the
218 purposes of said chapter 150E. The sheriff shall also have power and authority as employer in all matters
219 including, but not limited to, hiring, firing, promotion, discipline, work-related injuries and internal
220 organization of the department.

221 SECTION 17. (a) Notwithstanding any general or special law or rule or regulation to the
222 contrary, the sheriff, special sheriff, deputies, jailers, superintendents, deputy superintendents, assistant
223 deputy superintendants, keepers, officers, assistants and other employees of the office of a transferred
224 sheriff, employed on the effective date of this act in the discharge of their responsibilities set forth in
225 section 24 of chapter 37 of the General Laws and section 16 of chapter 126 of the General Laws shall be
226 transferred to the commonwealth with no impairment of employment rights held on the effective date of
227 this act, without interruption of service, without impairment of seniority, retirement or other rights of
228 employees, without reduction in compensation or salary grade and without change in union
229 representation. Any collective bargaining agreement in effect on the effective date of this act shall
230 continue in effect and the terms and conditions of employment therein shall continue as if the employees
231 had not been so transferred. Nothing in this section shall confer upon any employee any right not held on
232 the effective date of this act or prohibit any reduction of salary, grade, transfer, reassignment,
233 suspension, discharge, layoff or abolition of position not prohibited before the effective date of this act.
234 Such employees shall not be considered new employees for salary, wage, tax, health insurance, Medicare
235 or any other federal or state purposes, but shall retain their existing start and hiring date, seniority and
236 any other relevant employment status through the transfer.

237 (b) Notwithstanding any general or special law to the contrary, all demands, notices, citations,
238 writs and precepts given by a sheriff, special sheriff, deputy, jailer, superintendent, deputy
239 superintendent, assistant deputy superintendent, keeper, officer, assistant or other employee of the office
240 of a transferred sheriff, as the case may be, on or before the effective date of this act shall be valid and
241 effective for all purposes unless otherwise revoked, suspended, rescinded, canceled or terminated.

242 (c) Notwithstanding any general or special law to the contrary, any enforcement activity imposed
243 by a sheriff or special sheriff or by any deputies, jailers, superintendents, deputy superintendents,
244 assistant deputy superintendents, keepers, officers, assistants or other employees of the office of a
245 transferred sheriff before the effective date of this act shall be valid, effective and continuing in force
246 according to the terms thereof for all purposes unless superseded, revised, rescinded or canceled.

247 (d) Notwithstanding any general or special law to the contrary, all petitions, hearings appeals,
248 suits and other proceedings duly brought against and all petitions, hearings, appeals, suits, prosecutions
249 and other legal proceedings begun by a sheriff, special sheriff, deputy, jailer, superintendent, deputy
250 superintendent, assistant deputy superintendent, keeper, officer, assistant or the employee of the office of
251 a transferred sheriff, as the case may be, which are pending on the effective date of this act, shall
252 continue unabated and remain in force notwithstanding the passage of this act.

253 (e) Notwithstanding any general or special law to the contrary, all records maintained by a
254 sheriff or special sheriff or by any deputies, jailers, superintendents, deputy superintendents, assistant
255 deputy superintendents, keepers, officers, assistants and other employees of the office of a transferred
256 sheriff on the effective date of this act shall continue to enjoy the same status in a court or administrative
257 proceeding, whether pending on that date or commenced thereafter, as they would have enjoyed in the
258 absence of the passage of this act.

259 SECTION 18. Notwithstanding any general or special law to the contrary, all officers and
260 employees of the office of a transferred sheriff transferred to the service of the commonwealth shall be
261 transferred with no impairment of seniority, retirement or other rights of employees, without reduction in
262 compensation or salary grade and without change in union representation, except as otherwise provided

263 in this act. Any collective bargaining agreement in effect for transferred employees on the effective date
264 of this act shall continue as if the employees had not been so transferred until the expiration date of the
265 collective bargaining agreement. Nothing in this section shall confer upon any employee any right not
266 held on the effective date of this act prohibit any reduction of salary, grade, transfer, reassignment,
267 suspension, discharge, layoff or abolition of position not prohibited before that date.

268 SECTION 19. (a) Notwithstanding any general or special law to the contrary, employees or
269 retired employees of the office of a transferred sheriff and the surviving spouses of retired employees of
270 the office of a transferred sheriff who are eligible for group insurance coverage as provided in chapter
271 32B of the General Laws or who are insured under said chapter 32B, shall have that eligibility and
272 coverage transferred to the group insurance commission and those employees shall cease to be eligible or
273 insured under said chapter 32B; provided, however, that, notwithstanding the provisions of chapter 150E
274 of the General Laws or any other law or regulation to the contrary, employees, retired employees and the
275 surviving spouses of retired employees of the office of a transferred sheriff without a collective
276 bargaining agreement in effect shall not be transferred to the group insurance commission until
277 November 1, 2010 or until a successor collective bargaining agreement is ratified and funded whichever
278 occurs first. These employees shall not be considered to be new employees. The group insurance
279 commission shall provide uninterrupted coverage for group life and accidental death and dismemberment
280 insurance and group general or blanket insurance providing hospital, surgical, medical, dental and other
281 health insurance benefits to the extent authorized under chapter 32A of the General Laws. Employees
282 who were covered by a collective bargaining agreement on the effective date of this act shall continue to
283 receive the group insurance benefits required by their respective collective bargaining agreements until a
284 successor agreement is ratified and funded.

285 (b) Notwithstanding any general or special law to the contrary, the human resources division of
286 the executive office for administration and finance shall assume the obligations of the office of a
287 transferred sheriff to employees who become state employees and who are covered under a health and

288 welfare trust fund agreement established under section 15 of chapter 32B of the General Laws pursuant
289 to a collective bargaining agreement until the expiration date of the collective bargaining agreement.

290 (c) Notwithstanding any general or special law to the contrary, the group insurance commission
291 shall evaluate, in consultation with appropriate county officials and county treasurers, the value of any
292 monies in a claims trust fund established pursuant to section 3A of said chapter 32B that would
293 otherwise have been reserved for claims made by employees of a transferred sheriff. Any monies therein
294 shall be transferred to the group insurance commission on the effective date of this act; provided,
295 however, that no monies shall be transferred if such transfer violates an agreement entered into by a
296 governmental subdivision with an insurance provider pursuant to said chapter 32B.

297 SECTION 20. Notwithstanding chapter 32 of the General Laws or any other general or special
298 law to the contrary, the retirement system in the county of a transferred sheriff shall continue pursuant to
299 this section and shall be managed by the retirement board as provided in this section. Employees of a
300 transferred sheriff who retired on or before the effective date of this act shall be members of the county
301 retirement system, which shall pay the cost of benefits annually to such retired county employees and
302 their survivors. The annuity savings funds of the employees of transferred sheriffs who become state
303 employees pursuant to this act shall be transferred from that county retirement system to the state
304 retirement system, which shall thereafter be responsible for those employees, subject to the laws
305 applicable to employees whose transfer from 1 governmental unit to another results in the transfer from 1
306 retirement system to another, except for paragraph (c) of subdivision (8) of section 3 of said chapter 32.
307 The value of the annuity savings funds shall be determined based on valuations on the effective date of
308 the transfer. All other provisions governing the retirement systems of the counties of Barnstable, Bristol,
309 Dukes, Nantucket, Norfolk, Plymouth and Suffolk shall remain in effect.

310 SECTION 21. Notwithstanding any general or special law to the contrary, county
311 commissioners, county sheriffs, county treasurers, county retirement systems, the State-Boston
312 retirement system and all executive branch agencies and officers shall cooperate with the secretary of
313 administration and finance in effecting the orderly transfer of the county sheriffs to the commonwealth.

314 The secretary may establish working groups as considered appropriate to assist in the implementation of
315 the transfer.

316 SECTION 22. Notwithstanding any general or special law to the contrary, there shall be a
317 special commission to consist of 9 members: 1 of whom shall be a member of the Massachusetts Sheriffs
318 Association; 2 of whom shall be appointed by the speaker of the house of representatives; 1 of whom
319 shall be appointed by the minority leader of the house of representatives; 2 of whom shall be appointed
320 by the president of the senate; 1 of whom shall be appointed by the minority leader of the senate; and 2
321 of whom shall be appointed by the governor for the purpose of making an investigation and study
322 relative to the reorganization or consolidation of sheriffs' offices, to make formal recommendations
323 regarding such reorganization or consolidation and to recommend legislation, if any, to effectuate such
324 recommendations relating to the reorganization, consolidation, operation, administration, regulation,
325 governance and finances of sheriffs' offices.

326 The chairman of the commission shall be selected by its members. Section 2A of chapter 4 of the
327 General Laws shall not apply to the commission. So long as a member of the commission discloses, in
328 writing, to the state ethics commission any financial interest as described in sections 6, 7 or 23 of chapter
329 268A of the General Laws which may affect the member's work on the commission, the member shall
330 not be deemed to have violated said sections 6, 7 or 23 of said chapter 268A. Five members of the
331 commission shall constitute a quorum and a majority of all members present and voting shall be required
332 for any action voted by the commission including, but not limited to, voting on formal recommendations
333 or recommended legislation.

334 The commission, as part of its review, analysis and study and in making such recommendations
335 regarding the reorganization, consolidation, operation, administration, regulation, governance and
336 finances of sheriffs' offices, shall focus on and consider the following issues, proposals and impacts:

337 (1) the possible consolidation, elimination or realignment of certain sheriffs' offices and the
338 potential cost savings and other efficiencies that may be achieved by eliminating, consolidating and
339 realigning certain sheriffs' offices to achieve pay parity;

340 (2) any constitutional, statutory or regulatory changes or amendments that may be required in
341 order to effectuate any such consolidation or reorganization;

342 (3) the reallocation of duties and responsibilities of sheriffs' offices as a consequence of any
343 such consolidation or reorganization;

344 (4) the best management practices including, but not limited to, administrative procedures,
345 payroll systems, software updates, sheriff's ability to negotiate cost effective contracts and the current
346 use of civil process funds, including the amount of civil process funds collected by each county sheriff
347 and the actual disposition of said funds currently, and, in the event of consolidation, realignment,
348 elimination or reorganization, the collection and use of civil process fees in the future;

349 (5) the consideration of any other issues, studies, proposals or impacts that, in the judgment of
350 the commission, may be relevant, pertinent or material to the study, analysis and review of the
351 commission; and

352 (6) The need for appropriate placements and services for female detainees and prisoners,
353 including pre-release services, job placement services, family connection services, and re-entry
354 opportunities; provided, however, the review shall consider the need and present adequacy of placement
355 of female prisoners and detainees in each country; and provided further, that all departments, divisions,
356 commissions, public bodies, authorities, boards, bureaus or agencies of the commonwealth shall
357 cooperate with the commission for the purpose of providing information or professional expertise and
358 skill relevant to the responsibilities of the commission subject to considerations of privilege or the public
359 records law.

360 The commission shall submit a copy of a final report of its findings resulting from its study,
361 review, analysis and consideration, including legislative recommendations, if any, to the governor,
362 president of the senate, speaker of the house of representatives, the chairs of the house and senate
363 committees on ways and means and the chairs of the joint committee on state administration and
364 regulatory oversight and the clerks of the senate and house of representatives not later than December
365 31, 2010.

366 SECTION 23. Not less than 90 days after the effective date of this act, a sheriff transferred
367 under this act shall provide to the secretary of administration and finance a detailed inventory of all
368 property in the sheriff's possession which shall include, but not be limited to, vehicles, weapons, office
369 supplies and other equipment.

370 SECTION 24. Notwithstanding section 7 of chapter 268A of the General Laws a state
371 employee from the office of a transferred sheriff may have a financial interest in a contract made by a
372 state agency, if such financial interest exists on the effective date of this act.

373 SECTION 25. Notwithstanding any general or special law to the contrary, the department of the
374 state auditor shall conduct an independent audit of the total assets, liabilities and potential litigation of
375 each sheriff's office transferred under this act; provided, however, that any audit undertaken under this
376 section shall include an audit of any accounts, programs, activities, functions and inventory of all
377 property of a sheriff's office. The state auditor shall file a report with the secretary of administration and
378 finance and the chairs of the house and senate committees on ways and means not later than April 30,
379 2010 which shall include, but not be limited to: (i) a summary of the findings under each audit; and (ii)
380 the cost of each audit.

381 SECTION 26. Section 19 shall take effect on February 1, 2010. Section 21 shall take effect
382 upon its passage. The remainder of this act shall take effect on January 1, 2010.